

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO NUNO,

Plaintiff,

v.

D. ESLICK, et al.,

Defendants.

No. 1:21-cv-00769-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS

(Doc. No. 19)

Plaintiff Guillermo Nuno is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2021, the assigned magistrate judge screened plaintiff's complaint and found that plaintiff had stated cognizable claims of deliberate indifference to his safety in violation of the Eighth Amendment against defendants Eslick and Flores and cognizable claims of retaliation in violation of the First Amendment against defendants Satterfield and Flores, but that plaintiff had failed to state any other cognizable claims. (Doc. No. 16 at 5–9.) Plaintiff was granted leave to file a first amended complaint in an attempt to cure the cited deficiencies or to notify the court of his willingness to proceed only on the claims found to be cognizable in the screening order within thirty (30) days of service of that order. (*Id.* at 9–10.) On August 9, 2021, plaintiff

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1 notified the court that he was willing to proceed only on the claims identified by the magistrate
2 judge in the screening order as cognizable. (Doc. No. 17.)

3 Accordingly, on August 11, 2021, the magistrate judge issued findings and
4 recommendations recommending that this case proceed only on those claims found to be
5 cognizable in the screening order. (Doc. No. 19.) The findings and recommendations were
6 served on plaintiff and contained notice that any objections thereto were to be filed within
7 fourteen (14) days after service. (*Id.* at 2.) No objections have been filed, and the time in which
8 to do so has now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 findings and recommendations are supported by the record and proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on August 11, 2021 (Doc. No. 19) are
14 adopted in full;
- 15 2. This action shall proceed on plaintiff's deliberate indifference claims against
16 defendants Eslick and Flores and retaliation claims against defendants Satterfield
17 and Flores;
- 18 3. All other claims are dismissed; and
- 19 4. This action is referred back to the assigned magistrate judge for further
20 proceedings consistent with this order.

21 IT IS SO ORDERED.

22 Dated: September 14, 2021

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UNITED STATES DISTRICT JUDGE